

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-629

MAINE PUBLIC UTILITIES COMMISSION
Investigations into Implementation of the
Federal Communication Commission's
Triennial Review Order

October 31, 2003

PROCEDURAL ORDER

As stated in the September 26, 2003 Procedural Order, the Federal Communications Commission's (FCC) *Triennial Review Order (TRO)*¹¹ made findings and national presumptions relating to the obligations of incumbent local exchange carriers (ILECs) to provide unbundled network elements (UNEs) pursuant to sections 251 and 252 of the Telecommunications Act of 1996. The FCC established various triggers and mechanisms by which an ILEC could contest the FCC's national finding of impairment before a state commission. The FCC also directed state commissions to establish batch hot cut procedures which allow for the smooth and rapid transition of large numbers of customers from the ILEC to a CLEC. Both the initial proceedings to rebut the FCC's presumptions and the batch hot cut proceeding must be completed within nine-months of the October 1st release of the TRO.

We establish a deadline of **November 14, 2003**, for Verizon to make a filing which either: (1) clearly states that Verizon will not be seeking to rebut the FCC's national impairment findings in Maine; or (2) specifies both the geographic location and specific UNE impairment findings it intends to contest in Maine. If Verizon chooses to challenge any impairment findings, it should propose a schedule which would allow sufficient time for all necessary discovery, technical conferences, and Commission deliberation. It should also indicate whether the discovery process being used in New York should be used in Maine.

We ask all parties to this proceeding to file comments by **November 14, 2003**, addressing the need for a batch hot cut process in Maine. We would like comment on the following questions:

1. If Verizon does not seek to rebut the national impairment findings, does it still have an obligation to establish a batch hot cut process? Please provide specific citations to the TRO.
2. Regardless of whether Verizon has an obligation to establish a batch hot cut process in Maine, is there a need for such a process in Maine? If your response is "Yes," please explain the reason(s) and provide:

¹¹ *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket 01-338 (rel. August 21, 2003) (*Triennial Review Order or TRO*).

- a. specific examples of how the absence of such a process has negatively impacted competition;
 - b. how such a process would improve the competitive marketplace; and
 - c. under what conditions such a process would improve the competitive marketplace.
- 3. Would any batch hot cut process developed in Maine be the same as for other Verizon states? If so, how should the Maine Commission take advantage of work that has already been done in other states, namely New York, on the batch hot cut process issue?

BY ORDER OF THE HEARING EXAMINER

Trina M. Bragdon
Hearing Examiner